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**FROM: Peter J. Davis****DATE: February 20, 2009**

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Preparer of this slip has confirmed that facsimile number given is correct: **PJD/8564/kkl****Comments:**

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**OFFICE OF PETITIONS**

In re Application of  
Victor V. Gogolak  
Application No.: 09/681586 ✓  
Filing or 371(c) Date: 05/02/2001  
Attorney Docket Number: QED0003

**DECISION ON  
PETITION**

This is a decision on the Petition to Revive an Unintentionally Abandoned Application Under 37 CFR 1.137(b), filed December 28, 2007.

This Petition is hereby granted.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Missing Parts of Nonprovisional Application ("Notice"), mailed May 29, 2001. The Notice set a non-extendable two (2) month period for reply. No reply having been received, the application became abandoned on July 30, 2001. A Notice of Abandonment was mailed November 7, 2003.

Petition under 37 CFR 1.181

Applicant filed a petition on October 3, 2007, asserting that a timely reply to the Notice was filed on June 13, 2001. In support of this assertion, Applicant provided a copy of a letter response, which included a Certificate of Mailing dated June 15, 2001, and executed by David LeCroy. Applicant also included a copy of a return-receipt postcard acknowledging receipt by this Office of the reply on June 18, 2001.

The petition was dismissed as untimely in a Decision mailed November 29, 2007.

Applicant files the present petition and oath/declaration in response to the Notice. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that the petition includes (1) the reply in the form of the basic filing fee (filed April 10, 2007), and an oath/declaration; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply is accepted as having been unintentionally delayed.

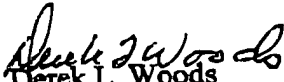
This application is being referred to the Office of Patent Application Processing for processing of the reply to the Notice in due course.

**DOCKETED**

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Application No.: 09/681586

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

  
Derek L. Woods  
Attorney  
Office of Petitions

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\*\*\* RX REPORT \*\*\*  
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